

### **III. REMARKS**

The Office Action, and the finality of the Office are improper because Wycherley is not proper prior art against Applicant's claimed subject matter. As noted in Applicant's prior response, Wycherly does not qualify as prior art for purposes of 35 USC §103(a) by reason of 35 USC §103(c). The Examiner does not address this fact in the current Office Action.

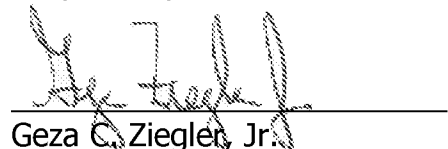
This application is a 371 of PCT/IB03/00451 filed on 12 February 2003, which claims priority from U.S Patent Application Serial No. 10/085,010 filed on 1 March 2002. Wycherley, which is commonly owned by and/or was subject to an obligation of assignment at the time of the invention to Nokia Corporation, was filed on 28 June 2001 and published on 28 March 2002. Thus Wycherley is subsequent to Applicant's earliest priority date and can only qualify as prior art under 35 USC §102(e). Therefore, pursuant to the requirements set forth in 35 USC §103(c), Wycherley does not qualify as prior art against Applicant's claimed subject matter for purposes of 35 USC §103(a).

Therefore, the rejection of the claims in view of Wycherly under 35 USC §103(a) is improper.

Accordingly, favorable reconsideration and allowance is respectfully requested. Should a new office action be issued, a new statutory response period is solicited. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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15 February 2009  
Date